

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

This declaration is of the following type:

original  design  supplemental  
 national stage of PCT  
 divisional  continuation  continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FITNESS ASSAY AND ASSOCIATED METHODS**

the specification of which:

is attached hereto.  
 was filed on December 21, 2000 as Application No. 09/720,276 and was amended on *(if applicable)*.  
 was filed by Express Mail No. *as Application No. not known yet*, and was amended on *(if applicable)*.  
 was filed on *as PCT International Application No. PCT/* and was amended pursuant to PCT Article 19 on *(if any)*.

I state that I have reviewed and understand the contents of the specification identified above, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of the application identified above in accordance with 37 CFR 1.56.

I claim foreign priority benefits under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent, utility model, design registration, or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter and having a filing date before that of the application(s) from which the benefit of priority is claimed.

PRIOR FOREIGN PATENT, UTILITY MODEL, AND DESIGN REGISTRATION APPLICATIONS					
COUNTRY	PRIOR FOREIGN APPLICATION NO.	DATE OF FILING (day,month,year)	PRIORITY CLAIMED		
			YES		NO
			YES		NO
			YES		NO

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

I claim the benefit pursuant to 35 USC 119(e) of the following United States provisional patent application(s):

PRIOR U.S. PROVISIONAL PATENT APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING (day,month,year)
60/090,393	23 June 1998

I claim the benefit pursuant to 35 USC 120 of any United States patent application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this patent application is not disclosed in the prior patent application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 effective between the filing date of the prior patent application(s) and the national or PCT international filing date of this patent application.

PRIOR U.S. PATENT APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC 120		
U.S. PATENT APPLICATIONS		Status (check one)
U.S. APPLICATION NO.	U.S. FILING DATE	PATENTED    PENDING    ABANDONED
1.		
2.		
3.		
PCT APPLICATIONS DESIGNATING THE U.S.		
PCT APPLICATION NO.	PCT FILING DATE (day,month,year)	U.S. APPLICATION NOS. ASSIGNED (if any)
4. PCT/US99/14119	23 June 1999	
5.		
6.		

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLICATION. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,year)	DATE OF ISSUE (day,month,year)
1.				
2.				
3.				
4.				
5.				
6.				

In re Appln. of Erickson et al.  
Attorney Docket No. 207596

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Steven M. Ferguson, Reg. No. 38,448  
Stephen L. Finley, Reg. No. 36,357  
James C. Haight, Reg. No. 25,588  
John Peter Kim, Reg. No. 38,514

Richard U. Rodriguez, Reg. No. 45,980  
Susan S. Rucker, Reg. No. 35,762  
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Jack Spiegel, Reg. No. 34,447

all of National Institutes of Health, Office of Technology Transfer, Box OTT, Bethesda, Maryland 20892-9902,  
Telephone (301) 496-7056.

Please recognize Leydig, Voit, & Mayer, Ltd. as Associate Attorneys in this case: Customer Number 23460.



I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.



I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00  
Full name of sole or first inventor: John W. Erickson

Inventor's signature John W. Erickson

Date Feb 19/2001

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2-00

Full name of second joint inventor, if any: Sergei V. Gulnik

Inventor's signature Sergei V. Gulnik

Date Feb. 19, 2001

Country of Citizenship: ~~US~~

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In re Appn. of Erickson et al.  
Attorney Docket No. 207596

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Full name of third joint inventor, if any: Hiroaki Mitsuya

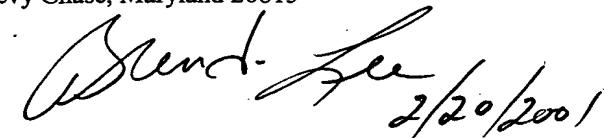
Inventor's signature 

Date February 20, 2001

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BRENDA LEE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires November 22, 2004